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13 SEP 16 PM 1:40  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES  
BY: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CV 13-6801 *DRD (JWX)*

Barry Rosen,

Plaintiff,

vs.

eBay, Inc., and Does 1 through 10,

Defendants.

Case No.

Complaint for Copyright  
Infringement

Demand for Jury Trial

Plaintiff Barry Rosen ("Plaintiff") alleges:

**Jurisdiction and Venue**

1. ***Subject Matter Jurisdiction.*** This action arises under the Copyright Act, 17 U.S.C. ' 101 *et seq.* This Court has original subject matter jurisdiction over all claims pursuant to 28 U.S.C. 1331 and 1338(a).
2. ***Venue.*** Venue is proper in this Court pursuant to 28 U.S.C. Section 1391 (b), (c), and Section 1400(a).
3. ***Personal Jurisdiction.*** Personal jurisdiction is proper over the Defendants because

**Complaint**

1 they either reside in California or the wrongful activity at issue concerns  
2 Defendants' operation of commercial businesses through which Defendants  
3 knowingly transact business and enter into contracts with individuals in California,  
4 including within the County of Los Angeles. Each of the Defendants, therefore, has  
5 purposefully availed itself of the privilege of doing business in California, and  
6 material elements of Defendants' wrongdoing occurred in this State, *i.e.*,  
7 Defendants caused the infringing images to be distributed to and displayed in Los  
8 Angeles County to thousands of persons.

9 4. Plaintiff does not presently know the true names and capacities of the defendants  
10 named as Does 1 through 10 and therefore sues such defendants by these fictitious  
11 names. Plaintiff believes that the Doe Defendants are persons or entities who are  
12 involved in the acts set forth below, either as independent contractors, agents, or  
13 employees of the known defendants, or through entering into a conspiracy and  
14 agreement with the known Defendants to perform these acts, for financial gain and  
15 profit, in violation of Plaintiff's rights. Plaintiff will request leave of Court to  
16 amend this Complaint to set forth their true names, identities and capacities when  
17 Plaintiff ascertains them. The Doe defendants and the known Defendants are  
18 referred to hereinafter collectively as "Defendants."

19 5. Defendants have been or are the principals, officers, directors, agents, employees,  
20 representatives, and/or co-conspirators of each of the other defendants, and in such  
21 capacity or capacities participated in the acts or conduct alleged herein and  
22 incurred liability therefor. At some unknown time, the Defendants, or some of  
23 them, entered into a conspiracy with other of the Defendants to commit the  
24 wrongful acts described herein. The actions described below were taken in  
25 furtherance of such conspiracy. Defendants aided and abetted each other in the  
26 wrongful acts alleged herein. Each of the Defendants acted for personal gain or in  
27 furtherance of their own financial advantage in doing the acts alleged below.  
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**First Claim for Relief for Copyright Infringement  
(Against All Defendants)**

6. Plaintiff realleges paragraph 1 through 5.
7. Plaintiff is a photographer. Plaintiff created the photographs identified in Exhibit 1 (“Photographs”). Each of the Photographs consists of material original with Plaintiff and each is copyrightable subject matter. Plaintiff is the owner of all right, title, and interest in and to each of the Photographs. Plaintiff has registered the copyrights for the Photographs and has been issued Certificates of Registration.
8. Under Section 106 of the Copyright Act of 1976, 17 U.S.C. ' 101 *et seq.* (the “Copyright Act”), Plaintiff has the distinct, severable, and exclusive rights, *inter alia*, to reproduce, distribute and publicly display the Photographs. (17 U.S.C. 106(1), (3), and (5).)
9. Defendant eBay, Inc. (“Ebay”) is a company that provides a venue that is a marketplace for internet sales and auctions.
10. Within the last three years, Plaintiff discovered that Defendants, without Plaintiff’s permission, consent or authority, (1) made or caused to be made unauthorized copies of the Photographs, (2) distributed, made available for distribution, and/or facilitated the unauthorized distribution of unauthorized copies of the Photographs, and/or (3) publicly displayed, made available for, and/or facilitated, the unauthorized public display of the Photographs on the website ebay.com.
11. Such conduct constitutes direct infringement of Plaintiff’s exclusive rights of copyright in the Photographs in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. 106 and 501.
12. Defendants have engaged and continue to engage in the business of inducing, causing, and/or materially contributing to the unauthorized reproduction, public display, and/or distribution of copies of the Photographs. Plaintiff gave notice to Defendant eBay of the infringing activity that was occurring on the ebay.com

1 website, but eBay did not thereafter take simple measures available to it to prevent  
2 the infringing activity and/or refused to take any action to remove/disable the  
3 infringing activity. Defendants enabled, induced, facilitated, and/or materially  
4 contributed to each act of infringement by infringing users. Defendants' conduct  
5 constitutes contributory infringement of Plaintiff's copyrights and exclusive rights  
6 under copyright in the Photographs in violation of Sections 106, 109 and 501 of the  
7 Copyright Act, 17 U.S.C. 106, 109 and 501.

8 13. Defendants have and have had the right and ability to control the infringing  
9 conduct alleged above. Defendants have derived, or have continuously attempted  
10 to derive, a direct financial benefit from the infringing use of the Photographs. As a  
11 direct and proximate result of Defendants' failure and refusal to control, prevent  
12 and/or remove the infringing activity, Defendants have infringed Plaintiffs'  
13 copyrights in the Photographs as set forth above. Defendants' conduct constitutes  
14 vicarious infringement of Plaintiff's copyrights and exclusive rights under  
15 copyright in the Photographs in violation of Sections 106 and 501 of the Copyright  
16 Act, 17 U.S.C. 106 and 501.

17 14. Because Defendants have received a financial benefit directly attributable to the  
18 infringing activity and has the right and ability to control such activity, Defendants  
19 are not entitled to any DMCA safe harbor pursuant to Section 512 of the Copyright  
20 Act, 17 U.S.C. Section 512.

21 15. Defendants' acts of infringement were willful, intentional, and purposeful, and/or  
22 in reckless disregard of and with indifference to Plaintiff's rights in that  
23 Defendants knew or recklessly failed to know that they did not have the right to  
24 use the Photographs in the manner in which they used the Photographs and  
25 intentionally failed to take simple measures that were available to them to stop the  
26 infringing activity.

27 16. As a direct and proximate result Defendants' infringements, Plaintiff was  
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1 damaged, and Plaintiff is entitled to his actual damages and Defendants' profits  
2 pursuant to 17 U.S.C. section 504(b).

3 17. Alternatively, at Plaintiff's election, Plaintiff is entitled to the maximum statutory  
4 damages pursuant to 17 U.S.C. Section 504(c) with respect to each work infringed  
5 or such other amounts as may be proper under 17 U.S.C. Section 504(c).

6 18. Plaintiff is entitled to attorneys' fees and costs pursuant to 17 U.S.C. Section 505.

7 WHEREFORE, Plaintiff prays for judgment against Defendants and each of them  
8 as follows:

9 1. For Plaintiff's actual damages.

10 2. For a full accounting under supervision of this Court of all profits, income,  
11 receipts, or other benefits derived by Defendants as a result of their unlawful  
12 conduct.

13 3. For statutory damages under the Copyright Act.

14 4. For prejudgment interest.

15 5. For attorneys fees and costs.

16 6. For preliminary and permanent injunctive relief from ongoing infringing activities,  
17 including, but not limited to:

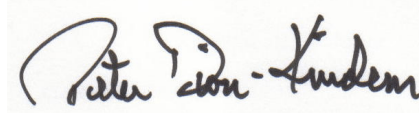
18 a. enjoining Defendants, and all persons acting in concert or participation with  
19 them, from: directly or indirectly infringing in any manner, or causing,  
20 contributing to, enabling, facilitating, or participating in the infringement, of  
21 Plaintiff's copyrights (whether now in existence or hereafter created) or  
22 exclusive rights under copyright, and

23 b. the seizure of all property made in, or used to assist in the, violation of  
24 Plaintiff's exclusive copyrights pursuant to 17 U.S.C. §503, including, but not  
25 limited to, all copies of the Photographs, all domains and all servers and other  
26 computer equipment used to publish, broadcast or archive the Photographs.

27 7. For such other and further relief as this Court deems just and appropriate.  
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1 Dated: September 16, 2013

THE DION-KINDEM LAW FIRM

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5 BY: \_\_\_\_\_  
6 PETER R. DION-KINDEM, P.C.  
7 PETER R. DION-KINDEM  
8 Attorneys for Plaintiff Barry Rosen  
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**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial in this case.

Dated: September 16, 2013      THE DION-KINDEM LAW FIRM

A handwritten signature in black ink, reading "Peter R. Dion-Kindem". The signature is written in a cursive, flowing style.

BY: \_\_\_\_\_  
PETER R. DION-KINDEM, P.C.  
PETER R. DION-KINDEM  
Attorneys for Plaintiff Barry Rosen

**Exhibit 1 to Copyright Complaint**  
*Barry Rosen v. eBay, Inc., and Does 1 through 10,*

<b>Item</b>	<b>Subject</b>	<b>Registration</b>	<b>Registration Name</b>
1	Anna Kourikova	VA 1-239-766	Anna Kournikova 2
2	Chase Masterson	VAu970-587	Chase Masterson
3	Natalia Sokolova	VA 1-230-923	Published Works 2002 Pt 1
4	Natalia Sokolova	VA 1-230-923	Published Works 2002 Pt 1
5	Natalia Sokolova	VA 1-230-923	Published Works 2002 Pt 1
6	Joanna Krupa	VA 1-230-935	Published Works 2001 Pt 1
7	Joanna Krupa	VA 1-230-935	Published Works 2001 Pt 1
8	Joanna Krupa	VA 1-230-935	Published Works 2001 Pt 1
9	Joanna Krupa	VA 1-230-935	Published Works 2001 Pt 1
10	Joanna Krupa	VA 1-230-935	Published Works 2001 Pt 1
11	Joanna Krupa	VA 1-230-935	Published Works 2001 Pt 1
12	Sofia Vergara	VA 1-230-935	Published Works 2001 Pt 1
13	Sofia Vergara	VA 1-230-935	Published Works 2001 Pt 1
14	Sofia Vergara	VA 1-230-935	Published Works 2001 Pt 1
15	Sofia Vergara	VA 1-230-935	Published Works 2001 Pt 1
16	Sofia Vergara	VA 1-230-935	Published Works 2001 Pt 1
17	Sofia Vergara	VA 1-230-935	Published Works 2001 Pt 1
18	Jeri Ryan	VA 1-231-031	Published Works 1997 Pt 1
19	Priscilla Taylor	VA 1-230-934	Published Works 2003 Pt 1
20	Priscilla Taylor	VA 1-230-934	Published Works 2003 Pt 1



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Beverly Reid O'Connell and the assigned Magistrate Judge is Andrew J. Wistrich.

The case number on all documents filed with the Court should read as follows:

2:13CV6801 BRO AJWx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

September 16, 2013

Date

By J.Prado  
Deputy Clerk

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NOTICE TO COUNSEL

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

**Subsequent documents must be filed at the following location:**

☒ Western Division  
312 N. Spring Street, G-8  
Los Angeles, CA 90012

☐ Southern Division  
411 West Fourth St., Ste 1053  
Santa Ana, CA 92701

☐ Eastern Division  
3470 Twelfth Street, Room 134  
Riverside, CA 92501

**Failure to file at the proper location will result in your documents being returned to you.**

Name & Address: Peter R. Dion-Kindem (95267)  
The Dion-Kindem Law Firm  
Peter R. Dion-Kindem, P. C.  
21550 Oxnard Street, Suite 900  
Woodland Hills, CA 91367  
Telephone: (818) 883-4900  
Fax: (818) 883-4902

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Barry Rosen

CASE NUMBER

PLAINTIFF(S)

CV13-6801 DR (AONR)

v.

eBay, Inc., and Does 1 through 10,

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S): eBay, Inc., and Does 1 through 10,

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Peter R. Dion-Kindem, whose address is 21550 Oxnard Street, Suite 900, Woodland Hills, CA 91367. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SEP 16 2013

Dated: \_\_\_\_\_

Clerk, U.S. District Court,

By: \_\_\_\_\_

JULIE PRADO

Deputy Clerk

(Seal of the Court)

1154

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEETI (a) PLAINTIFFS (Check box if you are representing yourself ☐)  
Barry Rosen

## DEFENDANTS

eBay, Inc., and Does 1 through 10,

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  
Peter R. Dion-Kindem, Peter R. Dion-Kindem, P. C.  
21550 Oxnard Street, Suite 900, Woodland Hills, CA 91367  
(818) 883-4900

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
Copyright Infringement - 17 U.S.C. section 101, et seq.

## VII. NATURE OF SUIT (Place an X in one box only.)

- |  |  |   |  |  |   |
|--|--|---|--|--|---|
| <input type="checkbox"/> 400 State Reapportionment                                     | <input type="checkbox"/> 110 Insurance   | <input type="checkbox"/> 310 Airplane                                   | <input type="checkbox"/> 370 Other Fraud                             | <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus    | <input type="checkbox"/> 710 Fair Labor Standards Act               |
| <input type="checkbox"/> 410 Antitrust   | <input type="checkbox"/> 120 Marine  | <input type="checkbox"/> 315 Airplane Product Liability                 | <input type="checkbox"/> 371 Truth in Lending                        | <input type="checkbox"/> 530 General                                     | <input type="checkbox"/> 720 Labor/Mgmt. Relations                  |
| <input type="checkbox"/> 430 Banks and Banking   | <input type="checkbox"/> 130 Miller Act  | <input type="checkbox"/> 320 Assault, Libel & Slander                   | <input type="checkbox"/> 380 Other Personal Property Damage          | <input type="checkbox"/> 535 Death Penalty                               | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act |
| <input type="checkbox"/> 450 Commerce/ICC Rates/etc.                                   | <input type="checkbox"/> 140 Negotiable Instrument                               | <input type="checkbox"/> 330 Fed. Employers' Liability                  | <input type="checkbox"/> 385 Property Damage Product Liability       | <input type="checkbox"/> 540 Mandamus/Other                              | <input type="checkbox"/> 740 Railway Labor Act                      |
| <input type="checkbox"/> 460 Deportation   | <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment   | <input type="checkbox"/> 340 Marine                                     | <input type="checkbox"/> 422 Appeal 28 USC 158                       | <input type="checkbox"/> 550 Civil Rights                                | <input type="checkbox"/> 790 Other Labor Litigation                 |
| <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations            | <input type="checkbox"/> 151 Medicare Act  | <input type="checkbox"/> 345 Marine Product Liability                   | <input type="checkbox"/> 423 Withdrawal 28 USC 157                   | <input type="checkbox"/> 555 Prison Condition                            | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act           |
| <input type="checkbox"/> 480 Consumer Credit   | <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle                              | <input type="checkbox"/> 441 Voting                                  | <input type="checkbox"/> 610 Agriculture                                 | <input checked="" type="checkbox"/> 820 Copyrights                  |
| <input type="checkbox"/> 490 Cable/Sat TV  | <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits       | <input type="checkbox"/> 355 Motor Vehicle Product Liability            | <input type="checkbox"/> 442 Employment                              | <input type="checkbox"/> 620 Other Food & Drug                           | <input type="checkbox"/> 830 Patent                                 |
| <input type="checkbox"/> 810 Selective Service   | <input type="checkbox"/> 160 Stockholders' Suits                                 | <input type="checkbox"/> 360 Other Personal Injury                      | <input type="checkbox"/> 443 Housing/Accommodations                  | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 840 Trademark                              |
| <input type="checkbox"/> 850 Securities/Commodities/Exchange                           | <input type="checkbox"/> 190 Other Contract                                      | <input type="checkbox"/> 362 Personal Injury-Med Malpractice            | <input type="checkbox"/> 444 Welfare                                 | <input type="checkbox"/> 630 Liquor Laws                                 | <input type="checkbox"/> 861 HIA (1395ff)                           |
| <input type="checkbox"/> 875 Customer Challenge 12 USC 3410                            | <input type="checkbox"/> 195 Contract Product Liability                          | <input type="checkbox"/> 365 Personal Injury-Product Liability          | <input type="checkbox"/> 445 American with Disabilities - Employment | <input type="checkbox"/> 640 R.R. & Truck                                | <input type="checkbox"/> 862 Black Lung (923)                       |
| <input type="checkbox"/> 890 Other Statutory Actions                                   | <input type="checkbox"/> 196 Franchise   | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 446 American with Disabilities - Other      | <input type="checkbox"/> 650 Airline Regs                                | <input type="checkbox"/> 863 DIWC/DIWW (405(g))                     |
| <input type="checkbox"/> 891 Agricultural Act  | <input type="checkbox"/> 210 Land Condemnation                                   | <input type="checkbox"/> 462 Naturalization Application                 | <input type="checkbox"/> 440 Other Civil Rights                      | <input type="checkbox"/> 660 Occupational Safety /Health                 | <input type="checkbox"/> 864 SSID Title XVI                         |
| <input type="checkbox"/> 892 Economic Stabilization Act                                | <input type="checkbox"/> 220 Foreclosure   | <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee               |  | <input type="checkbox"/> 690 Other                                       | <input type="checkbox"/> 865 RSI (405(g))                           |
| <input type="checkbox"/> 893 Environmental Matters                                     | <input type="checkbox"/> 230 Rent Lease & Ejectment                              | <input type="checkbox"/> 465 Other Immigration Actions                  |  |  | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)    |
| <input type="checkbox"/> 894 Energy Allocation Act                                     | <input type="checkbox"/> 240 Torts to Land                                       |   |  |  | <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609            |
| <input type="checkbox"/> 895 Freedom of Info. Act                                      | <input type="checkbox"/> 245 Tort Product Liability                              |   |  |  |   |
| <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice | <input type="checkbox"/> 290 All Other Real Property                             |   |  |  |   |
| <input type="checkbox"/> 950 Constitutionality of State Statutes                       |  |   |  |  |   |

CV13-6801

FOR OFFICE USE ONLY: Case Number:

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☐ No ☒ YesIf yes, list case number(s): 07-CV-07531-FMC-E, 12-CV-00657-ABC-E**Civil cases are deemed related if a previously filed case and the present case:**(Check all boxes that apply) ☒ A. Arise from the same or closely related transactions, happenings, or events; or☒ B. Call for determination of the same or substantially related or similar questions of law and fact; or☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or☒ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
eBay, Inc.; Santa Clara	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved**s Peter R. Dion-Kindem**X. SIGNATURE OF ATTORNEY (OR PRO PER): \_\_\_\_\_ Date September 16, 2013**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

## Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))